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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-29**

13 **JOEY RODRIGUEZ ALMARIO**
10924 Cypress Falls Avenue
14 Bakersfield, CA 93312

A C C U S A T I O N

15 **Registered Nurse License No. 650530**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about January 4, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 650530 to Joey Rodriguez Almario (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2013, unless renewed.

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1 e. Respondent would repeatedly call JB up to the clinic just to ask how his eyes were, at
2 which time the sexual comments continued.

3 12. On or about December 1, 2009, another state prison inmate, RD, related the following
4 inappropriate contacts with Respondent:

5 a. During a visit to the clinic for eyeglass frames, Respondent told RD that if he would
6 be willing to "suck this", while pointing at his genitals, that RD would be able to get better
7 eyeglass frames;

8 b. Inmate RD declined Respondent's offer and told him he was not gay, and that he just
9 wanted to order the eyeglass frames. Respondent said he would order the frames; and

10 c. Because RD declined his advances, Respondent ordered the frames, but wrote down a
11 "H" instead of a "K" on the order form, so the frames were sent to another state prison instead.

12 13. On or about November 18, 2009, during an interview with the Office of Internal
13 Affairs, Respondent made the following admissions with regard to the allegations of sexual
14 misconduct and unprofessional conduct:

15 a. Respondent admitted he made inappropriate jokes and sexual comments toward
16 inmates;

17 b. Respondent admitted he exchanged phone numbers with JB and made plans to call
18 each other after he was paroled;

19 c. Respondent admitted he hoped to establish a homosexual relationship with JB;

20 d. Respondent admitted he asked inmate RD if he was gay and if he wanted to have oral
21 sex; and

22 e. Respondent admitted giving out his personal phone number to between 10 and 20
23 other inmates at the prison.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 14. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
27 the grounds of unprofessional conduct in that Respondent had inappropriate contacts and made
28 sexual advances toward state prison inmates, as described in paragraphs 9 through 13 above.

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